

REMARKS

Claims 1 through 15 are pending in the application. Claim 1 stands rejected under 35 U.S.C. § 112 as being indefinite for lack of antecedent basis. All of the claims stand rejected under 35 U.S.C. § 102 as anticipated by U.S. Patent Number 2,841,437 to *Turpin*. Claim 1 is hereby amended to better define the invention and Applicant hereby traverses the rejection under § 102.

To anticipate, a reference must contain each and every limitation of the claim at issue. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir 1990).

All of the claims recite a pair of end members that constrain the flooring members against longitudinal movement (or movement parallel to the frame rails). One of the end members (or even both of them), can be moved such that the flooring members are removable from between the frame rails.

In *Turpin*, however, there are two *separate* members that accomplish this function. A "far wall" (4 in the figures) serves to constrain the floor members against longitudinal or parallel movement. An entirely separate member ("angle irons" 8) can be moved or removed to permit the removal of boards or flooring members. The angle irons do not and are incapable of constraining the flooring members against longitudinal or parallel movement.

Moreover, *Turpin* does not disclose, teach, or suggest the desirability of combining the functions into a single end member, as claimed. Indeed, for a trailer that does not have an upwardly extending "far wall" as the trailer of *Turpin*, it is impractical to

implement the claimed invention because there is no upstanding wall to which to secure the "angle iron." Accordingly, *Turpin* teaches away from the claimed invention and cannot be modified to obtain the claimed invention.

None of the other prior art of record are submitted to anticipate or render obvious the claimed invention.

Accordingly, Applicant submits that the rejection may not stand and respectfully solicits allowance of all claims and passage to issue.

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Cc:

RE: DRAFT AMENDMENT FOR CONSIDERATION

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